SENATE BILL No. 1135

Introduced by Senator O'Connell

February 28, 1997

An act to amend Section 25201.13 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1135, as introduced, O'Connell. Hazardous waste treatment: elementary neutralization unit.

Existing law requires hazardous waste facilities, including, but not limited to, treatment facilities, to operate under hazardous waste facilities permits or other grants of authorization issued by the Department of Toxic Substances Control. Existing law exempts from hazardous waste facilities requirements, an owner or operator of an elementary neutralization unit that neutralizes wastewaters that are hazardous solely due to corrosivity or toxicity that results only from alkaline or acidic materials used in the owner's or operator's food processing operations.

This bill would additionally exempt an owner or operator of an elementary neutralization unit that neutralizes wastewaters that are hazardous solely due to corrosivity or toxicity that results only from alkaline or acidic materials used in the owner's or operator's biotechnology manufacturing or process development operations, as defined, if specified requirements are met with regard to the wastewater's contents and management.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 25201.13 of the Health and Safety Code is amended to read:

25201.13. (a) The Legislature hereby finds and declares that demineralization of water is a standard industrial water purification process used by utilities and industry. The regeneration and recycling of ion exchange media used to demineralize water is a continuous, onsite, totally enclosed, automated process, which is exempt from federal permitting requirements. The conditions set forth in subdivision (d) of Section 25201.5 are important to protect the environment by ensuring notification before treatment begins, written operating instructions, inspections, compliance with pretreatment standards, cleanup of terminated units, and recordkeeping to demonstrate compliance. However, those conditions are inapplicable to demineralization units because of the enclosed, automated, continuous technology involved, the very brief period in which treatment occurs, and the lack of any waste residue. An exemption from Section 25201.5 is therefore appropriate. Similarly, elementary neutralization associated with food processing industry wastewaters *and biotechnology wastewater associated with manufacturing and process development operations meeting the conditions set forth in subdivision (d)* should also be exempt from Section 25201.5.

(b) An owner or operator of an elementary neutralization unit, as defined in Section 66260.10 of Title 22 of the California Code of Regulations, and any storage tank not regulated under the federal act ~~which~~ *that* is an integral part of the demineralizer operation, that neutralizes wastes ~~which~~ *that* are hazardous solely due to corrosivity or toxicity that results only from the acidic or alkaline material, is exempt from this article, including the requirement of obtaining a hazardous waste facilities permit or other grant of authorization from the department, if the wastes result solely from the regeneration of ion exchange media used to demineralize water, do not contain more than 10 percent acid or base

concentration by weight, are treated in vessels and piping constructed of materials that are compatible with the range of temperatures and pH levels of the wastes, and are subject to appropriate pH and temperature controls.

(c) (1) An owner or operator of an elementary neutralization unit, as defined in Section 66260.10 of Title 22 of the California Code of Regulations, including any storage or processing tank not regulated under the federal act ~~which~~ *that* is an integral part of the elementary neutralization operation, is exempt from this article, including the requirement to obtain a hazardous waste facilities permit or other grant of authorization from the department, if all of the following requirements are met:

(A) The unit neutralizes wastewaters ~~which~~ *that* are hazardous solely due to corrosivity or toxicity that results only from alkaline or acidic materials used in the owner's or operator's food processing operations.

(B) The wastewaters result from food processing operations, do not contain more than 10 percent acid or base concentration by weight, are treated in vessels and piping that are compatible with the range of temperatures and pH levels of the wastewaters, and are subject to appropriate pH and temperature controls.

(2) For purposes of this subdivision, ''food processing operation'' means activities conducted at facilities in SIC Code Major Group 20 (Food and Kindred Products), and includes preparation, mixing, cooking, fermentation, aging, storage, packaging, sanitizing, or pasteurization of products intended for human consumption, and all associated equipment and vessel cleaning operations.

(d) (1) An owner or operator of an elementary neutralization unit, as defined in Section 66260.10 of Title 22 of the California Code of Regulations, including any storage or processing tank not regulated under the federal act that is an integral part of the elementary neutralization operation, is exempt from this article, including the requirement to obtain a hazardous waste facilities permit or other grant of authorization from the department, if all of the following requirements are met:

(A) The unit neutralizes wastewaters that are hazardous solely due to corrosivity or toxicity that results only from alkaline or acidic materials used in the owner's or operator's biotechnology manufacturing or process development operations.

(B) The wastewaters result from biotechnology manufacturing or process development operations, do not contain more than 10 percent acid or base concentration by weight, are treated in vessels and piping that are compatible with the range of temperatures and pH levels of the wastewaters, and are subject to appropriate pH and temperature controls.

(C) The wastewaters that result from biotechnology manufacturing or process development operations meet the pH discharge requirements of the local publicly owned treatment works.

(2) For the purposes of this subdivision, "biotechnology manufacturing and process development operations" means activities conducted in SIC Code Subgroup 282, as specified in subdivision (t) of Section 25501, and includes, but is not limited to, the production of medicinal chemicals and botanical products, pharmaceutical preparations, in vitro and in vivo diagnostic substances, and biological products, except diagnostic substances, and all associated equipment and vessel cleaning operations.

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